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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,033	03/16/2004	Motohiro Hayashi	4074-11	1260
23117 7590 11/15/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER CHEN, ALAN S	
			ART UNIT 2182	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/801,033	Applicant(s) HAYASHI ET AL.	
	Examiner Alan S. Chen	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,8 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7,8 and 19-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments in light of the amendments with respect to claims 7,8,19-29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 7,8 and 19-29 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat. Pub. No. 2003/0056036 to Carlton.
3. Per claim 7, Carlton discloses a control system (*Fig. 3*) comprising: an apparatus to be controlled (*Fig. 3, element 12 is a slave apparatus to the USB host, by definition, being an apparatus to be controlled*) by an apparatus (*Fig. 3, element 14*) to which identification information for identifying the apparatus to be controlled is transmitted (*Fig. 4, element 80 and Fig. 5, element 102 shows status identification information being transferred back to the host*); and a controlling apparatus (*Fig. 3, element 14 is the USB host, the master controlling apparatus*) for controlling the apparatus to be controlled on the basis of the identification information (*status identification information is related to host client software, user determines how host should handle this information*), the apparatus to be controlled including a processor (*Fig. 3, element 52*) capable of performing the operations of: detecting a change in a specification (*Fig. 5, element 98, USB tester detects change via comparison*) for a device (*Fig. 3, element 18 is a USB*

device) attached to the apparatus to be controlled (*Fig. 3, USB device is clearly attached to the connection test device*); obtaining from a memory (*Fig. 3, element 50*), changed identification information (*memory is used for comparison step, Fig. 5, element 98*) which is representative of a combination of the apparatus to be controlled and the attached device with the changed specification (*the message of pass/fail of the device, Fig. 4, element 80, is representative of USB device AND is further representative of what will be displayed on the USB tester, e.g., Fig. 1, element 12 will show pass/fail status*); and transmitting the changed identification information from the apparatus to be controlled to the controlling apparatus (*Fig. 4, element 80*).

4. Per claim 8, claim 7 is significantly similar and therefore the rejection is applied accordingly. Carlton further discloses a connection unit on the apparatus to be controlled for connecting to another device (*Fig. 3, element 48 on the USB testor*); Carlton further discloses the processor detecting the change in specification (*Fig. 3, element 52 and Fig. 4, elements 76,78*).

5. Per claim 19, Carlton discloses communication method (*Fig. 5*) performed between a controlling apparatus (*Fig. 3, element 14*) and an apparatus to be controlled (*Fig. 3, element 12*), the method comprising: transmitting identification information to the controlling apparatus for identifying the apparatus to be controlled (*Fig. 5, elements 100 and 102 show status identification information being transmitted to the USB host identifying the status of the USB testor and the device attached to it*); and subsequently detecting a change in specification for a device (*Fig. 3, element 18 is a USB device*) attached to the apparatus to be controlled (*Fig. 5, element 98, USB tester detects*

change via comparison); obtaining, from a memory (*Fig. 3, element 50*), changed identification information (*memory is used for comparison step, Fig. 5, element 98*) which is representative of a combination of the apparatus to be controlled and the attached device with the changed specification (*the message of pass/fail of the device, Fig. 4, element 80, is representative of USB device AND is further representative of what will be displayed on the USB tester, e.g., Fig. 1, element 12 will show pass/fail status*); transmitting the changed identification information from the apparatus to be controlled to the controlling apparatus (*Fig. 4, element 80*).

6. Per claims 20 and 21, Carlton discloses claim 19, further disclosing the change in specification for the attached device is a change in firmware for the attached device (*Fig. 6 shows testing to see if NVRAM updated successfully*) and if the firmware is not successfully updated, the attachment status is changed to fail (*Fig. 6, element 122*).

7. Per claim 22, Carlton discloses claim 19, further comprising obtaining from the memory a selected one of plural pieces of information (*Fig. 5, element 98, descriptors are compared*), the selected one of the plural pieces of information corresponding to the changed identification information which is representative of the combination of the apparatus to be controlled and the attached device with the changed specification (*the message of pass/fail of the device, Fig. 4, element 80, is representative of USB device AND is further representative of what will be displayed on the USB tester, e.g., Fig. 1, element 12 will show pass/fail status*).

8. Claims 23-29 are significantly similar to claims 19-22 and therefore the rejections are applied accordingly. Structural components of the apparatus were further rejected

in claim 7. Fig. 3, element 12 is a USB device to connect between the host and the peripheral device, therefore there is at least two external connectors.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S. Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Tsai can be reached on 571-272-4176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ASC
11/07/07

Ann L. Elm
11/7/07